



COUNTY OF LOS ANGELES
OFFICE OF THE COUNTY COUNSEL

648 KENNETH HAHN HALL OF ADMINISTRATION
500 WEST TEMPLE STREET
LOS ANGELES, CALIFORNIA 90012-2713

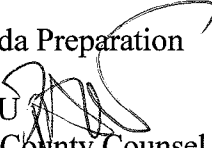
MARY C. WICKHAM
Interim County Counsel

November 4, 2015

TELEPHONE
(213) 974-1861
FACSIMILE
(213) 229-9924
TDD
(213) 633-0901
E-MAIL
pwu@counsel.lacounty.gov

TO: PATRICK OGAWA
Acting Executive Officer
Board of Supervisors

Attention: Agenda Preparation

FROM: PATRICK A. WU 
Senior Assistant County Counsel
Executive Office

RE: **Item for the Board of Supervisors' Agenda
County Claims Board Recommendation in
Jesus Ruiz and Maria Ruiz v. County of Los Angeles
Los Angeles Superior Court Case No. BC 506 092**

Attached is the Agenda entry for the Los Angeles County Claims Board's recommendation regarding the above-referenced matter. Also attached are the Case Summary and Summary Corrective Action Plan to be made available to the public.

It is requested that this recommendation, the Case Summary, and the Summary Corrective Action Plan be placed on the Board of Supervisors' agenda.

PAW:cs

Attachment

Board Agenda

MISCELLANEOUS COMMUNICATIONS

Los Angeles County Claims Board's recommendation: Authorize settlement of the matter entitled Jesus Ruiz and Maria Ruiz v. County of Los Angeles, Los Angeles Superior Court Case No. BC 506 092 in the amount of \$5,800,000, plus assumption of the medical liens in the approximate amount of \$480,000 and instruct the Auditor-Controller to draw a warrant to implement this settlement from the Department of Health Services' budget.

This medical malpractice lawsuit concerns allegations that Harbor-UCLA Medical Center staff were negligent in managing a patient's medication levels thereby causing respiratory arrest, which led to a brain injury.

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Jesus Ruiz and Maria Ruiz v. County of Los Angeles
CASE NUMBER	BC 506092
COURT	Los Angeles Superior Court - Central District
DATE FILED	May 2, 2013
COUNTY DEPARTMENT	Department of Health Services
PROPOSED SETTLEMENT AMOUNT	\$ 5,800,000, plus the County's assumption of the Medi-Cal lien
ATTORNEY FOR PLAINTIFF	Philip Michels, Esq. Law Offices of Michels & Lew
COUNTY COUNSEL ATTORNEY	Narbeh Bagdasarian, Senior Deputy County Counsel
NATURE OF CASE	<p>On August 8, 2012, Jesus Ruiz, a 36-year-old male, underwent a surgical procedure at Harbor-UCLA Medical Center ("HUMC"). After the procedure, Mr. Ruiz received pain medications. Later Mr. Ruiz experienced a respiratory arrest and, as a result, suffered neurological injuries.</p> <p>Mr. Ruiz filed a medical malpractice action against the County of Los Angeles arguing that the HUMC staff were negligent in managing his medication levels thereby causing the respiratory arrest which led to his brain injury. Maria Ruiz, Mr. Ruiz's wife, also brought an action for Loss of Consortium.</p>
PAID ATTORNEY FEES, TO DATE	\$ 90,860.00
PAID COSTS, TO DATE	\$ 82,480.00

Case Name: Ruiz, Jesus #3991



Summary Corrective Action Plan

The intent of this form is to assist departments in writing a corrective action plan summary for attachment to the settlement documents developed for the Board of Supervisors and/or the County of Los Angeles Claims Board. The summary should be a specific overview of the claims/lawsuits' identified root causes and corrective actions (status, time frame, and responsible party). This summary does not replace the Corrective Action Plan form. If there is a question related to confidentiality, please consult County Counsel.

Date of incident/event:	August 8, 2012
Briefly provide a description of the incident/event:	<p>On August 8, 2012, Jesus Ruiz, a 36 year old male, underwent a surgical procedure at Harbor UCLA Medical Center ("HUMC"). After the procedure, Mr. Ruiz received pain medications. Later Mr. Ruiz experienced a respiratory arrest and as a result suffered neurological injuries.</p> <p>Mr. Ruiz filed a medical malpractice action against the County of Los Angeles arguing that the HUMC staff was negligent in managing his medication levels thereby causing the respiratory arrest which led to his brain injury. Maria Ruiz, Mr. Ruiz' wife, also brought an action for loss of consortium.</p>

1. Briefly describe the root cause(s) of the claim/lawsuit:

Respiratory arrest resulting in permanent brain damage.

2. Briefly describe recommended corrective actions:
(Include each corrective action, due date, responsible party, and any disciplinary actions if appropriate)

- All appropriate personnel actions were taken.
- Harbor-UCLA revised their patient controlled anesthesia (PCA) policy and educated nursing staff on the changes.
- Harbor-UCLA placed signage on PCA pumps and above the patient's bed reiterating that the PCA pump is for patient use only.
- DHS Patient Safety created a standardized educational brochure in multiple languages for patients and their families about PCA medication administration.
- DHS Pharmacy Affairs created medication guidelines that was shared with all DHS facilities related to equianalgesic opiate medication dosing.
- DHS Patient Safety updated a continuing education module available to any DHS staff member related to safe medication administration, including the use of PCA.
- DHS incorporated warnings in the electronic patient record regarding the concurrent ordering of pain medications.
- DHS Patient Safety confirmed the purchase of standardized educational materials for patients and their families in the electronic medical record related to PCA use.
- DHS is evaluating the purchase of PCA pumps that have automatic stop functions when respiratory status may be compromised.

County of Los Angeles
Summary Corrective Action Plan

3. Are the corrective actions addressing department-wide system issues?

- ☒ Yes – The corrective actions address department-wide system issues.
☐ No – The corrective actions are only applicable to the affected parties.

Name: (Risk Management Coordinator) <i>Arun R. Patel, M.D., JD</i>	
Signature: <i>AM Patel</i>	Date: <i>6/4/15</i>

Name: (Department Head) <i>Mitchell Katz</i>	
Signature: <i>[Signature]</i>	Date: <i>8/28/15</i>

Chief Executive Office Risk Management Inspector General USE ONLY	
Are the corrective actions applicable to other departments within the County?	
<input type="checkbox"/> Yes, the corrective actions potentially have County-wide applicability.	
<input checked="" type="checkbox"/> No, the corrective actions are applicable only to this department.	
Name: (Risk Management Inspector General) <i>Destiny Castro</i>	
Signature: <i>Destiny Castro</i>	Date: <i>6/4/2015</i>